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5 *Attorneys for Specially Appearing Defendants*  
6 *Chicken Soup for the Soul Entertainment, Inc. and*  
7 *TOFG, LLC*

8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 DUSTIN NEFF, an individual  
12 Plaintiff,

13 v.

14 SBA ENTERTAINMENT, LLC, a Colorado  
15 Limited Liability Company; GOOD  
ENTERPRISE SOLUTIONS INC., a Colorado  
16 Corporation; CHICKEN SOUP FOR THE  
SOUL ENTERTAINMENT, INC., a Delaware  
17 Corporation; TOFG LLC d/b/a 1091, a  
Delaware Limited Liability Company; and  
18 DOES 1-10, Inclusive,

19 Defendants;  
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Case No.: 3:23-cv-02518-JD

The Honorable James Donato

**DECLARATION OF NATHAN  
DOOLEY IN SUPPORT OF  
SPECIALLY APPEARING  
DEFENDANTS CHICKEN  
SOUP FOR THE SOUL  
ENTERTAINMENT, INC.  
AND TOFG, LLC'S MOTION  
FOR EXTENSION OF TIME  
TO RESPOND TO FIRST  
AMENDED COMPLAINT  
[CIVIL L.R. 6-3(A)]**

**(First Request)**

1 I, Nathan Dooley, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California and  
3 before this Court. I am a member with the law firm of Cozen O'Connor, counsel of  
4 record for Specially Appearing Defendants Chicken Soup for the Soul Entertainment,  
5 Inc., a Delaware Corporation and TOFG, LLC, a Delaware LLC ("Defendants"). I am  
6 providing this Declaration in support of Defendants' Motion for Extension of Time to  
7 Respond to Plaintiff's First Amended Verified Complaint (the "Motion"). I have  
8 personal knowledge of the matters set forth in this Declaration, and if called upon to  
9 testify in court, I could and would competently do so.

10 2. Defendants received a copy of Plaintiff's Dustin Neff ("Plaintiff") First  
11 Amended Complaint ("FAC") and a summons directed on or about May 31, 2024.  
12 Defendants contend that they have not been properly served with process in this action,  
13 and Defendants reserve all rights, defenses, and objections, including, but not limited  
14 to, their defense for insufficient service of process, as well as lack of personal  
15 jurisdiction. However, for purposes of this Motion, Defendants assume that their  
16 current deadline to respond to the FAC would be June 20, 2024. This Motion seeks an  
17 extension of that deadline to July 22, 2024.

18 3. I was retained as counsel for Defendants on or about June 19, 2024. In the  
19 meantime, defense of this action has been tendered to other parties. On June 20, 2024,  
20 I learned of the current response date for the FAC.

21 4. Also on June 20, 2024, my colleague Brett Taylor emailed Plaintiff's  
22 counsel to request that the parties stipulate to extend Defendants' deadline to respond  
23 to the FAC. A true and correct copy of that email correspondence is attached hereto as  
24 Exhibit A. Because Ms. Taylor was in a deposition throughout the day, her assistant  
25 Alma Rincon called Plaintiff's counsel to request an extension and was able to reach an  
26 individual by the name of "Inigo" at Plaintiff's law offices who represented that Plaintiff  
27 would not take Defendants' default if no response to the Complaint was timely filed. A  
28

1 true and correct copy of an email from Ms. Rincon reflecting this fact is attached hereto  
2 as Exhibit B.

3 5. I then called Plaintiff's counsel, Mr. Burroughs, stated my name, and  
4 identified the case I was calling about. His receptionist attempted to transfer my call to  
5 Mr. Burroughs, but then explained that Mr. Burroughs could not take my call. Mr.  
6 Burroughs' receptionist then transferred my call to Mr. Burroughs' paralegal who  
7 identified himself as Inigo. Mr. Burroughs' paralegal explained that there was no  
8 attorney available to take my call. I stated that I would have no choice but to file a  
9 motion seeking an extension, and he responded that Plaintiff would not oppose that  
10 Motion.

11 6. Based on the face of the FAC, there appear to be material allegations that  
12 are not true. In the FAC, the plaintiff appears to allege that the Defendants began  
13 infringing his Copyright with the distribution of a film in 2019. *See e.g.* FAC ¶ 2.  
14 Later, Plaintiff alleges that "he registered the Subject Photograph with the U.S.  
15 Copyright Office before the commission of the infringement at issue." *Id.* ¶ 29. In  
16 Docket Entry 2, however, the plaintiff refers to a copyright registration (Vau 1-477-  
17 644) that was registered on 1/3/2022. These allegations appear to be incompatible, and  
18 in any event render it impossible for Plaintiff to obtain statutory damages or attorneys'  
19 fees.

20 I declare under penalty of perjury under the laws of the United States of America  
21 that the foregoing is true and correct.

22 Executed this 20<sup>th</sup> day of June, 2024 at Los Angeles, California.

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25 s/Nathan Dooley  
26 Nathan Dooley  
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